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Anthony Piloizzi

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Joseph Anzelone

Counsel for the Board
Joseph Ballirano, Esq.



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Zoning Board Members
Richard Fascia
Thomas Lopardo

Alternate Board Members
Dennis Cardillo
Albert Colannino

Recording Secretary
Holli Stott

JOHNSTON ZONING BOARD OF REVIEW
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MINUTES

February 28, 2013

The Zoning Board of Review held its monthly meeting on the 28th day of February 2013 at 7:00 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Anthony Piloizzi, Vice-Chairman, Joseph Anzelone, Albert Colannino, Thomas Lopardo and Dennis Cardillo. Also present: Holli Stott, Recording Secretary, Joseph Ballirano, Esq., Bernard Nascenzi, Zoning Officer and Dianne Edson, Stenographer.

Mr. Piloizzi congratulated Mr. Nascenzi on his new promotion to the Deputy Director of Public Works.

Mr. Piloizzi noticed a minor change in the previous month's meeting minutes to change the date from 2012 to 2013. Miss Stott noted the change and Mr. Piloizzi made a motion to approve the minutes of last months meeting. Mr. Anzelone seconded. A voice vote was taken; all in favor.

A. File 2013-03

LOCATION: 167 Putnam Avenue
OWNER: 167 Putnam Ave LLC
APPLICANT: The Hertz Corporation
LOT: AP 40— Lot 227; 60,113sq. ft.; B-2 Zone
EXISTING USE: Vacant Commercial Building
PROPOSAL: Auto Rental

Special Use Permit petitioned under Article XII § 340-75 Special Use Permit

Matthew Benoit, project manager for the Hertz Corporation, was sworn in and he explained top the board that they would like to open a car rental business at this address. Mr. Benoit explained that the hours of operation is Monday through Friday 8 a.m. until 6 p.m. and on Saturdays 9 a.m. until 12 p.m closed on Sundays.

Mr. Joshua Rodriquez, manager for this particular Hertz location, was sworn in and he explained to the board that there are always 80 to 95 cars on rental at all times. Mr. Rodriquez explained also that there are about 75 to 90 spaces at this particular location and that they will be primarily leasing and renting

to local auto body shops. Mr. Ballirano emphasized that this hearing tonight is for the special use permit not any sort of sign variances. If signs need to be in place then the sign company will have to return to zoning to get the permission from the zoning board. Mr. Ballirano brought it to the applicant's attention that if the zoning board were to grant this special use permit then the zoning board may put a stipulation in the decision concerning a maximum amount of cars on the lot at one given time. And if the applicant needed more relief as far as the maximum amount of cars on the lot then they would need to return to zoning to extend their special use permit if granted. Mr. Benoit expressed that Hertz also has a sales part that will be running out of this location and they will not be bringing in used cars for sales, but they will be selling the cars that are on the renting side. If any cars are damaged they will be taken to the T F Green Airport location. Mr. Piloizzi explained that if a dumpster is needed at this location then it has to be enclosed and hidden. The North Providence branch will be relocating to this address. Mr. Rodriquez explained that there will be about 10 customers per day and 3 employees.

No abutters for or against.

Mr. Anzelone made the motion to approve with the stipulations of no more than 30 cars on the lot at any given time and the dumpster has to be enclosed and if their business grows then they would need to return to expand on their special use permit. Mr. Cardillo seconded. A voice vote was taken; all in favor.

B. File 2013-04

LOCATION: 50 Hopkins Avenue
OWNER/ APPLICANT: James Verde
LOT: AP 59 — Lot 36; 2,500,000± sq. ft.; R-40 Zone
EXISTING USE: Agricultural
PROPOSAL: Install one 10'-9 1/2" x 27'-1/2" and one 10' 9 1/2" x 32'-5 1/2" ground mounted grid tied photovoltaic systems

Dimensional Variance petitioned under Article V, § 340-25 Authorized departures from yard regulations, subsection C, Accessory Structures

Mr. James Verde, owner and applicant, explained to the board that he wants to install a system of photovoltaic cells that would produce electricity for the small winery that he owns on his land. This system will make his small operation "greener" than before with the electricity that it will produce. Mr. Verde then went on and explained that he has about 2 acres of grapes planted and that every season he harvests about 3 tons total of grapes. Mr. Verde also explained how many bottles produced each year and what the federal regulations are to keep and distribute to the public. He explained about all his different types of wine that he makes, how the process is completed, how they become different types of grapes, the sulfates and shelf life.

Mr. Arnold Vecchione, Director of Public Works, stood up in the audience and commended Mr. Verde on how he keeps his property and his winery completely spotless.

Mr. Joseph Hindley, abutter to the property, was sworn in and he was confused on why he was sent a letter concerning this project. Mr. Piloizzi explained that if you don not have enough abutters within the 200 foot radius map, then you have to go out further until you have enough abutters notified. Mr. Verde also explained to Mr. Hindley that his hours of operation are Friday, Saturday and Sunday 11 a.m. to 5 p.m.

Mr. Jeffrey Latham, abutter to the property, was sworn in and his concern is where the photovoltaic system will be going if approved. Mr. Verde explained that the system will be right in the cleared area of his property near the crops. Mr. Latham also questioned about the amount of kilowatts produced.

Mr. Ben Swanson, contractor for Real Good Solar, was sworn in and he explained that this system is a 10 kilowatt system. Forty-four panels at 140 panels each so multiplied out and its 10.56 kilowatts which will produce just over 12,000 kilowatt hours of electricity over the course of a year. Mr. Verde will not be getting anything back from National Grid for him generating this electricity.

Mr. William Baumlín, abutter to the property, was sworn in and he expressed his concerns about if there are any hazardous materials in the panels incase they are struck by lighting or come under distress from the weather. Mr. Swanson rebutted that there are none whatsoever.

Mr. Anzelone made the motion to approve with no stipulations. Mr. Fascia seconded. A voice vote was taken; all in favor.

Mr. Anzelone made the motion to recess. Mr. Pillozzi seconded. A voice vote was taken; all in favor.

Recess 8:08

Back to order 8:20

C. File 2013-05

LOCATION: Pezzullo Street
OWNER: William Murphy
APPLICANT: JSA LLC
LOT: AP 4 — Lot 154; 18,731 sq. ft.; R-15 and B-1 Zone
EXISTING USE: Vacant
PROPOSAL: Single Family Dwelling

Dimensional Variance petitioned under Article XII, § 340-74 Application and criteria for variances subsection C and § 340-75 Special Use Permits

Mr. Donald Foster, contractor on the project, was sworn in and explained to the board that he would like to build a single family spec house, 1760 square feet, 2 floors, which will be sold once it is completed. The reason for him being in front of the zoning board this evening is because he needs to move the lot line 30 feet because the lot is split between a B-1 and an R-15 zones. He needs it moved 27 feet in order for it to become a conforming residential lot. Mr. Nascenzi explained to the board what exactly needs to be done in order for this applicant to have a conforming lot to build this home. Mr. Foster meets all the dimensional setbacks for this lot. Mr. Nascenzi explained to the board that Mr. Foster's hardship is that it is a prerecorded lot prior to the original zoning and when they rezoned this piece of land again since it wasn't developed then the line intersected the lot. Mr. Nascenzi enforced the fact that if the board denies this application that it is a nonappealable decision. Since Mr. Foster has no experts with him and if the board denies this application then it is nonappealable decision he requested a continuation from the board to come back with expert witnesses.

Mr. Fascia made a motion to continue. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor five to nothing.

D. File 2013-06

LOCATION: 30 John Street
OWNER/ APPLICANT: Michelle Perez
LOT: AP 4— Lot 108; 4,000sq. ft.; R-15 Zone
EXISTING USE: Two Family
PROPOSAL: Three Family

Special Use Permit petitioned under Article XII § 340-75 Special Use Permit Article III § 340-8 Table of Use Regulations Subsection 2.4

Mr. Daniel Perez, owner of the property, was sworn in and he explained to the board that he would like to change his two family into a three family. Mr. Perez purchased this property about three years ago as a legal two family, but has recently heard that this property has been a three family for about 50 years. Mr. Perez does not live in this home he just uses it as a rental property. Mr. Nascenzi explained to Mr. Pilozzi that there is a mistake on the application and it should be a use variance not a special use permit.

Mr. Anzelone made a motion to amend the application. Mr. Lopardo seconded the motion A voice vote was taken; all in favor.

Mr. Perez explained to the board that only two units are being rented right now and since there are three gas meters and three electric meters he wanted to make the home a three family. Mr. Nascenzi asked Mr. Perez why he came in front of this board tonight since someone already told you that it was a three family way back when. Mr. Nascenzi confronted Mr. Perez with the fact that he was cited for renting an illegal three family. Mr. Perez explained that the second floor has a three bedroom and the first floor is cut in half for two separate apartments.

Mr. Fascia made a motion to deny. Mr. Anzelone seconded the motion A voice vote was taken; all in favor. The chair also votes to deny.

Mr. Fascia made a motion to adjourn. Mr. Cardillo seconded the motion A voice vote was taken; all in favor.

Adjourn 9:00 p.m.